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Robert J. Beles Bar No. 41993
 Anne C. Beles Bar No. 200276
 Law Offices of Beles & Beles
 One Kaiser Plaza, Suite 2300
 Oakland, California 94612-3642
 Tel No. (510) 836-0100
 Fax. No. (510) 832-3690

Attorney for *Defendant*
 ALEX EYE BURSCH

United States District Court
 Northern District of California
 Oakland Courthouse

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALEX EYE BURSCH,

Defendant.

No. **4:11-CR-00644-PJH-1**

OBJECTION TO INTRODUCTION OF EVIDENCE AT
 BENCH TRIAL

Date: Wednesday, August 29, 2012

Time: 3:00 pm

Courtroom: 3, Hon Phyllis J. Hamilton, Judge

Speedy Trial Act not applicable

OBJECTION TO INTRODUCTION OF EVIDENCE AT BENCH TRIAL

In its Joint Stipulations and Waivers for Bench Trial, the government agreed that defendant would not be rendering moot his right to appeal the denial of his suppression motions. However, in an abundance of caution, defendant formally objects to the introduction of the following evidence at the bench trial in this case seized from his residence on August 30, 2010, on the grounds that it was seized in violation of his Fourth Amendment right to be free from unreasonable searches and seizures:

- 1) One (1) Antech computer tower, blk & silver in color.
- 2) One (1) ASUS Flat Screen Monitor, MDL# VH236,. SIN A5LMTF181237.
- 3) One (1) Theme Take LanBox Lite SIN VF6000VNS0801013052
- 4) One (1) Cannon 400 MM Lens 1:5:6
- 5) Five (5) Rolls of film

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- 6) One (I) EOS Cannon 40D MDL D5126171, S/N M20310618
- 7) Four (4) Telephoto Lenses
- 8) Three (I) USB Thumbdrives 9) Thirteen (13) CD-R, CD case yellow in color
- 10) One (1) CD-R "Mustang Memories"
- 11) Five (5) Photographs
- 12) One (1) Telephone number sheet
- 13) Three (3) AT&T, Davis School. District, Pleasant Hill billing statements
- 14) Eight (8). Telephone rosters, Dolphin Swim Team
- 15) Grey Duct tape, Black Mask
- 16) One (1) USB Co.writer MDL# DR-CORWZ4104064
- 17) One (I) WD Hard Disk Drive S/N WCAV52681817
- 18) MaxTor External Hard Drive 500 GB MDL# Maxtoritouch3, S/N TCO4RPHM
- 19) ASUS CDRW, blk & silver in. color, S/N 59PA65HC316122.3
- 20) HP Laptop ZE10000, S/N TZW21908555
- 21) GarminNuvi GPS, MDL# 350 NA S/N 20244707
- 22) USB Hard Drive, blk & silver in color
- 23) SSN Card Alex Bursch. 5644 1-7589
- 24) Fifty-five (55) CD-R
- 25) Nine (9) Floppy Disks
- 26) Hitachi, HDS722525VLAT80 S/N. C6CAEHRL
- 27) Seagate Barracuda MDL 5T3120026A S/N 5JT4ISGO
- 28) Creative Labs XMOD, MDL #SB0830
- 29) Western Digital, WD5,00V507,S/N WCANIJ11 1769
- 30) D-Link Ethernet, mdl, 01-604,S/N 8N0132A 13176
- 31) IBM Keyboard, S/N 00857929

Defendant also objects to the introduction of any and all statements made by him to the police and law enforcement officers concerning the search his residence on August 30, 2010,as

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the fruit of the search itself.

In support of his objection, defendant incorporates his previously filed search and seizure motions, which are listed below as follows:

Date Filed	#	Docket Text
02/14/2012	11	Motion to Suppress by Alex Eye Bursch. Motion Hearing set for 3/28/2012 02:30 PM in Courtroom 3, 3rd Floor, Oakland before Hon. Phyllis J. Hamilton. (Attachments: # 1 Declaration, # 2 Exhibit, # 3 Exhibit)(Beles, Robert) (Filed on 2/14/2012) (Entered: 02/14/2012)
02/14/2012	12	Memorandum in Support of 11 Motion to Suppress by Alex Eye Bursch (Beles, Robert) (Filed on 2/14/2012) Modified on 2/15/2012 (kc, COURT STAFF). (Entered: 02/14/2012)
02/15/2012	13	Supplemental Memorandum by Alex Eye Bursch in Support of 11 Motion to Suppress. (Beles, Robert) (Filed on 2/15/2012) Modified on 2/16/2012 (kc, COURT STAFF). (Entered: 02/15/2012)
03/16/2012	17	Reply to Response to Motion by Alex Eye Bursch re 11 Motion to Suppress Evidence. (Beles, Robert) (Filed on 3/16/2012) Modified on 3/19/2012 (kc, COURT STAFF). (Entered: 03/16/2012)
04/18/2012	22	MOTION to Traverse Search Warrant Affidavit and Suppress Evidence by Alex Eye Bursch. Motion Hearing set for 5/16/2012 02:30 PM in Courtroom 3, 3rd Floor, Oakland before Hon. Phyllis J. Hamilton. (Beles, Robert) (Filed on 4/18/2012) Modified on 4/19/2012 (kc, COURT STAFF). (Entered: 04/18/2012)
04/18/2012	23	MEMORANDUM by Alex Eye Bursch in Support of 22 MOTION to Traverse Search Warrant Affidavit and Suppress Evidence. (Beles, Robert) (Filed on 4/18/2012) Modified on 4/19/2012 (kc, COURT STAFF). (Entered: 04/18/2012)
04/18/2012	24	Declaration of Robert J. Beles in Support of 22 MOTION to Traverse Search Warrant Affidavit and Suppress Evidence as to Alex Eye Bursch (Attachments: # 1 Exhibit, # 2 Exhibit)(Beles, Robert) (Filed on 4/18/2012) Modified on 4/19/2012 (kc, COURT STAFF). (Entered: 04/18/2012)
05/03/2012	27	Memorandum in Support of 22 Motion to Traverse Search Warrant Affidavit and Suppress Evidence by Alex Eye Bursch. (Beles, Robert) (Filed on 5/3/2012) Modified on 5/4/2012 (kc, COURT STAFF). (Entered: 05/03/2012)

Defendant also incorporates the arguments on these motions made at the hearings held on March 28, 2012 at 2:30 PM and May 16, 2012 into his objections to the introduction of the evidence mentioned above.

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1 Dated: San Francisco, California, Tuesday, August 28, 2012.

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6 Robert J. Beles
7 Attorney for *Defendant ALEX EYE BURSCH*
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